

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 310 (Delegate Glenn, *et al.*)
Ways and Means

Baltimore City - Partially Elected School Board

This bill restructures the Baltimore City Board of School Commissioners by adding three additional members elected from the city at large. The bill also extends the term of nonstudent members from three to four years.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: State Board of Elections expenditures increase by a minimal amount to print additional paper ballots for third-party and independent voters at primary elections.

Local Effect: Baltimore City Public Schools (BCPS) expenditures increase by approximately \$7,500 annually to cover expense reimbursements for three additional board members beginning in FY 2017. In addition, BCPS incur a one-time expense of approximately \$15,000 in FY 2017 to purchase computer equipment and cell phones for the three additional board members. Baltimore City Board of Elections expenditures increase by a minimal amount to print additional paper ballots for third-party and independent voters at primary elections.

Small Business Effect: None.

Analysis

Bill Summary: The bill restructures the Baltimore City Board of School Commissioners from an appointed board to a hybrid board with three members elected from the city at large, nine members jointly appointed by the Governor and the mayor, and the one student member.

The three elected board members will be elected at the general election in November 2016. As with appointed nonstudent members, the terms of elected members are staggered. The elected voting member who receives the lowest percentage of votes, as determined by the final vote count of the 2016 general election as certified by the board of elections, will serve a two-year term, and the election for that office will be held every four years thereafter. The two elected voting members who receive the highest percentage of votes, as determined by the final vote count of the 2016 general election as certified by the board of elections, will serve a four-year term, and the election for those offices will be held every four years thereafter. Thus, the initial term of one member elected in November 2016 will expire in 2018, and the initial term of the other two elected members will expire in 2020.

The State Board of Education may remove an elected voting member for (1) immorality; (2) misconduct in office; (3) incompetency; or (4) willful neglect of duty. Before removing a member, the State board must send the member a copy of the charges against the member and give the member an opportunity to request a hearing within 10 days. If the member requests a hearing within the 10-day period, the State board must promptly hold a hearing, but a hearing may not be set within 10 days after the State board sends the member a notice of the hearing; and, the member must have an opportunity to be heard publicly before the State board in the member's own defense, in person or by counsel. A member that is removed has the right to a *de novo* review of the removal by the Baltimore City Circuit Court.

Current Law: The Baltimore City Board of School Commissioners consists of nine members jointly appointed by the Governor and the mayor, and one student member. At least four members must possess a high level of knowledge concerning the successful administration of a large business, nonprofit, or governmental entity; at least three members must possess a high level of knowledge about education; at least one member must be a parent of a student enrolled in the Baltimore City Public School System; and at least one member must have knowledge or experience in the education of children with disabilities. They must all be residents of Baltimore City.

Nonstudent members serve staggered three-year terms and until a successor is appointed and qualifies, and may not serve more than two consecutive full terms. The board chair is elected every two years by the members of the board. Members are not entitled to compensation.

Members may be removed from office on the joint approval of the Governor and the mayor for immorality; misconduct in office; incompetency; willful neglect of duty; or failure to attend, without good cause, at least half of the scheduled meetings of the board in any one calendar year.

Background: The Baltimore City Board of School Commissioners is one of four appointed school boards in the State, including one (Baltimore County) that, beginning in 2015, will transition to a hybrid board of appointed and elected members. There are 17 elected boards, and 3 hybrid boards (appointed/elected). **Appendix – Local Boards of Education** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Local Expenditures: Adding three members to the Baltimore City Board of School Commissioners will increase expense reimbursements by approximately \$7,500 annually beginning in fiscal 2017. BCPS advises that there will be a one-time additional expense of approximately \$5,000 for each new member (or \$15,000 total) for the purchase of computers, technology equipment, and related costs in fiscal 2017.

Additional Information

Prior Introductions: HB 14 of 2012, a similar bill, received a hearing in the House Ways and Means Committee, but no further action was taken. HB 1011 of 2011 received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 382 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: SB 710 (Senator Conway) – Education, Health, and Environmental Affairs.

Information Source(s): Baltimore City, Baltimore City Public Schools, Maryland State Department of Education, Maryland State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2015
md/hlb

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Appendix – Local Boards of Education

School System	Number of Members	Term	Means of Selection ¹
Allegany	6	4 years	E 5 from county at large 1 student (nonvoting, one-year term)
Anne Arundel ²	9	5 years	A 3 from county at large 5 from legislative districts 1 student (one-year term)
Baltimore City ³	10	3 years	A 9 from city at large 1 student (one-year term)
Baltimore ⁴	12	5 years	A/E 4 appointed from county at large 7 elected from councilmanic districts 1 student (one-year term)
Calvert	6	4 years	E 2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Caroline	7	4 years	A/E 3 elected from school board districts 2 appointed from county at large 2 students (nonvoting, one-year term)
Carroll	11	4 years	E 5 from county at large 5 commissioners <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Cecil	6	4 years	E 5 from commissioner districts 1 student (nonvoting, one-year term)
Charles	8	4 years	E 7 from county at large 1 student (nonvoting, one-year term)
Dorchester	7	4 years	E 5 from council districts 2 students (nonvoting, one-year term)
Frederick	8	4 years	E 7 from county at large 1 student (nonvoting, one year term)
Garrett	6	4 years	E 2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)

School System	Number of Members	Term		Means of Selection¹
Harford	11	4 years	A/E	6 elected from council districts 3 appointed from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (one-year term)
Howard	8	4 years	E	7 from county at large 1 student (one-year term)
Kent	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Montgomery	8	4 years	E	2 from county at large 5 from school districts 1 student (one-year term)
Prince George's ⁵	14	4 years	A/E	9 elected from school board districts 4 appointed by county 1 student (one-year term)
Queen Anne's	7	4 years	E	1 from county at large 4 from commissioner districts 2 students (nonvoting, one-year term)
St. Mary's	6	4 years	E	1 from county at large 4 from commissioner districts 1 student (nonvoting, one-year term)
Somerset	5	4 years	E	All from commissioner districts
Talbot	8	4 years	E	7 from school board districts 1 student (nonvoting, one-year term)
Washington ⁶	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico	7	5 years	A	All from county at large
Worcester	10	4 years	E	7 from commissioner districts 3 students (nonvoting, one-year term)

¹A = Appointed by Governor, except in Baltimore City, where board is appointed jointly by the Governor and the Mayor; E = Elected; and A/E = Combined appointed by Governor and elected board, except in Prince George's County.

²There are three steps to being appointed and retained as a member of the Anne Arundel County Board of Education. First, the School Board Nominating Commission selects nominees who are recommended to the Governor as candidates for appointment to the Anne Arundel County Board of Education. The commission consists of 11 members – 5 appointed by the Governor from each of the legislative districts, 1 appointed by the County Executive, and 5 appointed from various county organizations. A board member begins serving immediately upon appointment; however, the board member must stand for “approval or rejection of the registered voters of the county” at the next general election. The board member is placed on the ballot, without opposition. If the voters retain the board member, he or she may complete the remainder of the 5-year term. If the voters reject the board member, the position becomes vacant and the process begins again. Chapters 177 and 178 of 2011, as well as an Opinion of the Attorney General (98 Op. Att’y Gen. 51 (May 22, 2013)), clarify that this three-step process applies not only to newly appointed board members, but also to incumbent board members seeking a second term.

³The nonstudent members of the Baltimore City Board of School Commissioners of the Baltimore City Public School System are jointly appointed by the Mayor of Baltimore City and the Governor from a list of qualified individuals submitted by the State Board of Education. Each member must be a resident of Baltimore City, and the membership must reflect the demographic diversity of Baltimore City.

⁴Chapter 481 of 2014 established the Baltimore County Nominating Commission. The commission is responsible for selecting 8 nominees to be recommended to the Governor as qualified candidates for appointment to the Baltimore County Board of Education. The commission consists of 19 members of the county and must reflect the diversity of the county. Except in extenuating circumstances, the Governor must appoint members to the board of education from the list the nominating commission provides.

⁵Chapter 147 of 2013 altered the membership of the Prince George's County Board of Education by adding four appointed members to the existing elected board. The county executive appoints three members with certain experience requirements, and the county council appoints one member who must be a parent of a student in the county school system. If a seat held by an elected member becomes vacant, the county executive must appoint a qualified individual for the remainder of the term, with the appointment subject to rejection by a two-thirds vote of the county council.

⁶The Washington County Board of Education reports that the student member can only concur on votes and must abstain from certain matters.

Source: Annotated Code of Maryland, Education Article, Sections 3-101 through 3-1405; Local Boards of Education
